REMARKS

Claims 1-26 were pending in this application. Claims 2 and 3 have been cancelled without prejudice or disclaimer and claims 1, 4-9, 11-13 and 22 have been amended hereby. Support for the amendments to the claims can be found throughout the specification and, in particular, in original claims 2 and 3, as well as on pages 14-17 of the specification and in Figure 8 of the present application. No new matter has been entered. Upon entry of this amendment, claims 1 and 4-26 will be pending herein. Favorable reconsideration of the application and allowance of all of the pending claims are respectfully requested in view of the above amendments and the following remarks.

In the Office Action,

- Claims 6-8, 11 and 12 were objected to under 37 CFR §1.75;
- Claims 1-9 and 12 were rejected under 35 U.S.C. §112, second paragraph;
- Claims 1, 2, 6-9, and 13-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Woodhead et al. (US 5,640,388) in view of Johansen (US 6,631144);
- Claims 3-5, 18-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Woodhead et al. and Johansen, and further in view of Slattery et al. (US 6,111,896); and
- Claims 10-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Woodhead et al. in view of Slattery et al.

These grounds of rejection are respectfully traversed.

Regarding the 37 CFR §1.75 objections and the 35 U.S.C. §112, second paragraph, rejection, the claims have been amended as set forth above to address the concerns raised in the Office Action. Applicants therefore respectfully request withdrawal of the objections and §112 rejection.

Regarding the prior art-based rejections, amended claim 1 (which is a combination of original claims 1-3) recites a method of reducing jitter by, among other things, locking a first local clock with time values in timestamps included in selected packets (e.g., those having a PCR field) and extracting packets from the memory at a nominal rate controlled by a second local clock, wherein the second local clock is locked with the time values of the timestamps of the selected packets extracted from the memory based on the first local clock.

Notably (and as recited in original claim 3), prior to the step of locking, the method comprises:

calculating an average bit rate for the received stream of frames between a first timestamp and a second timestamp;

calculating an offset for the second timestamp using the average bit rate; and

subtracting the offset from the time value of the second timestamp.

These last limitations refer to the subtraction of Ein (the calculated clumping error estimate) from a given PCR value, as shown in Figure 8 of the present application. As explained on page 14 of the specification, the pre-dejitterer 506 calculates the clumping error estimate, E, for clumping jitter. In so doing, the pre-dejitterer 506 first calculates the average bit rate by

counting the number of transport packet bits between consecutive PCR fields 408 and dividing by the time difference of consecutive timestamps, ΔT.

The Office Action acknowledges that Woodhead et al. and Johansen et al. do not teach the limitation of "calculating an offset for the second timestamp using the average bit rate," but cites to Slattery as allegedly teaching this feature of the claimed invention.

Slattery computes a transport packet rate based on the PCRs of two successive transport packet bearing PCRs for the purpose of calculating an estimated departure time for each packet. The estimated departure time is calculated by multiplying the packet rate with an offset or displacement of each transport packet from the first (of the two) transport packet bearing a PCR.

A processor then adds the estimated departure time assigned to the transport packet containing the first PCR to the product thus produced. Notably, Slattery does not disclose the use of this transport packet data rate for any other purpose.

Applicants acknowledge that it is not new, *per se*, to calculate an average bit rate or packet rate, and Slattery is, indeed, one example of where one might want to perform such a calculation. On the other hand, simply because it is known, in one context, to calculate an average bit rate, it does not therefore follow that such a calculated value is then readily (and "obviously") combinable with any methodology that might rely on a calculated average bit rate. Again, Slattery discloses a very specialized purpose and application for his average bit rate calculation.

Likewise, the claims of the instant application require a specialized (and, significantly, a very different) use of a result of an average bit rate calculation. Specifically, amended claim 1

requires that the calculated average bit rate is used to calculate an "offset" for a second timestamp, which offset is subtracted from a time value of the second timestamp. As noted above, this offset is "Ein" in Figure 8 of the present application, and is subtracted from a PCRin to provide a "corrected" input to the first locked loop 806 (or claimed "first local clock"). See page 15, line 31 to page 16, line 27 of the present specification. Slattery simply does not suggest using an average bit rate for such a purpose.

Moreover, while Woodhead et al. discuss calculating an error, ε, based on a difference between a PCR and a (modified) MPCR (col. 18, line 5), that error ε is not subtracted from a given single time value. Instead, the error ε is subtracted from the difference of two successive PCRs. See Woodhead et al. at col. 18, lines 6-10. In contrast, amended claim 1, for example, requires "subtracting the offset from the time value of the second timestamp," not subtracting the offset from a difference of time stamps. Thus, the implementation of error subtraction is very different in Woodhead et al. as compared to the claimed invention.

Independent claims 10 (along with dependent claims 11 and 12), 13 and 22 recite limitations that are similar to the limitations of claim 1 discussed above.

Since the cited prior art fails to disclose or to suggest generating an offset and subtracting the same in the manner required by the claims of the present application, Applicants respectfully request that the §103(a) rejections of the claims be reconsidered and withdrawn.

In view of the foregoing, Applicants respectfully request the Examiner to find the application to be in condition for allowance. However, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to

call the undersigned attorney to discuss any unresolved issues and to expedite the disposition of the application.

Applicants hereby petition for any extension of time that may be necessary to maintain the pendency of this application. The Commissioner is hereby authorized to charge payment of any additional fees required for the above-identified application or credit any overpayment to Deposit Account No. 05-0460.

Dated: January 8, 2008

Respectfully submitted by:

/Lawrence D. Eisen/

Lawrence D. Eisen
Reg. No. 41009

EDELL, SHAPIRO & FINNAN, LLC
CUSTOMER NO. 27896
1901 Research Boulevard, Suite 400
Rockville, MD 20850
(301) 424-3640